

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GREGORY GOULD,

Plaintiff,

v.

JEFFREY BEARD, et al.,

Defendants.

Civil Action No. 07-55 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on March 27, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 42], filed on May 27, 2008, recommended that: (1) the partial motion to dismiss or for partial summary judgment filed by Defendants Beard, Wilson, Manchas, Kremposky, Woods and Sobina [Doc. No. 15] be granted in part and dismissed as premature in part; (2) the motion for summary judgment for injunctive relief filed by Plaintiff [Doc. No. 22] be denied; and (3) the motion to dismiss filed by Defendant Klemm [Doc. No., 27] be dismissed as premature. The Magistrate Judge's Report and Recommendation further recommended that Defendants Manchas, Kremposky and Woods be dismissed from this action, and that Plaintiff be permitted to file an amended complaint before June 20, 2008 to allege his retaliation and access to the courts claims which were raised in the Opposition Briefs. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the motions and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 18th day of June, 2008;

IT IS HEREBY ORDERED that: (1) the partial motion to dismiss or for partial summary judgment filed by Defendants Beard, Wilson, Manchas, Kremposky, Woods

and Sobina [Doc. No. 15] is GRANTED in part and DISMISSED as premature in part; (2) the motion for summary judgment for injunctive relief filed by Plaintiff [Doc. No. 22] is DENIED; (3) the motion to dismiss filed by Defendant Klemm [Doc. No., 27] is DISMISSED as premature; (4) Defendants Manchas, Kremposky and Woods are dismissed from this action; and (5) Plaintiff shall file an amended complaint before June 20, 2008 to allege his retaliation and access to the courts claims which were raised in the Opposition Briefs.

The Report and Recommendation [Doc. No. 42] of Magistrate Judge Baxter, filed on May 27, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge